

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

***In re Family Dollar Stores, Inc., Pest
Infestation Litigation***

MDL No. 3032

This Document Relates To:

Case No. 2:22-md-03032-SHL-TMP

ALL CASES

**SUPPLEMENTAL SUBMISSION IN SUPPORT OF PLAINTIFFS' UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

The parties respectfully submit this supplement to Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement (Dkt. 155). In response to discussions with the Court at the hearing on July 21, 2023, as well as inquiries from several state Attorneys General, the parties have proposed two modifications to their Settlement Agreement:

First, in response to comments from the Court at the hearing, the parties have agreed to increase the period in which settlement class members may make claims for gift cards, from 30 to 60 days. *See* Settlement Agreement, ¶ 1.7.

Second, the parties have revised the definition of the "Settlement Class" as follows:

1.33. → "Settlement Class" includes all Persons who reside within Arkansas, Alabama, Louisiana, Mississippi, Missouri, or Tennessee, and from January 1, 2020, through February 18, 2022, inclusive, purchased any product from an Affected Family Dollar Store. Excluded from the Settlement Class are (i) Defendants; (ii) Defendants' agents, parents, officers, predecessors, directors, legal representatives, heirs, successors and wholly or partly owned subsidiaries or affiliates of Defendants; (iii) Class Counsel and any other attorneys who represent Settlement Class Representatives or the Settlement Class in this Action, as well as their agents and employees; (iv) the judicial officers and court staff assigned to this case, as well as their immediate family members; and (v) Persons who timely request to be excluded from this Settlement as provided in Paragraph 9.¶

Id. ¶ 1.33. Although the original definition of the "Settlement Class" allowed for residents of other states to make claims, the parties have agreed to narrow the definition and restrict it to residents of the states with Family Dollar stores serviced by the West Memphis Distribution Center at issue in this litigation.

Attached as Exhibit 1 is a revised document that should replace the exhibit at Dkt. 156-1. Exhibit 1 additionally contains revised versions of Exhibits A-I.

Attached as Exhibit 2 is a redlined copy of Exhibit 1, including redlined versions of Exhibits A-I, to show the changes from the original drafts filed on June 19, 2023.

The Amended Settlement remains fair, reasonable, and adequate under the Sixth Circuit's factors for assessing class action settlements. (*See* Dkts. 155, 164.) *See also Int'l Union, United Auto., Aerospace, & Agr. Implement Workers of Am. v. Gen. Motors Corp.*, 497 F.3d 615 (6th Cir. 2007). The parties respectfully request that the Court grant preliminary approval of the Amended Settlement.

COUNSEL FOR THE SETTLEMENT CLASS

Dated: August 18, 2023

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CERTIFICATE OF SERVICE

I, J. Gerard Stranch, IV, hereby certify that the foregoing Plaintiffs' Unopposed Motion for Preliminary Approval of Amended Consolidated Class Action Settlement was served on August 18, 2023, via e-mail and the Court's ECF system to the following:

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